

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE I MEETING

First Session: 4 March 1992: 09h15-12h15

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.-P. Le Duc J.D. Gavitt
UNEP:	A.T. Brough
Rapporteurs:	C.H. Folland J. Gray

The Chairman opened the session, expressing his appreciation for the confidence placed in him.

The Chairman of the Credentials Committee announced the acceptance of the credentials of a further seven countries, bringing the total number of accredited Parties to 91.

XIII Interpretation and Implementation of the Convention

1. Terms of Reference for the Administration of the Secretariat by UNEP

The Chairman, introduced document Doc. 8.16, the result of hard work on the part of the Standing Committee, which was to be congratulated. Only one point in the draft Agreement between the CITES Standing Committee and the Executive Director of UNEP (annexed to the document) remained at issue.

On behalf of the Standing Committee, the delegation of Canada explained that document Doc. 8.16 had been most recently discussed with UNEP on 1 March but that the wording of paragraph 2 of the draft Agreement remained unresolved and two alternatives were presented.

The representative of UNEP believed that the difference was more of form than of substance. The wording in the second alternative stated formally the Executive Director's ultimate responsibility for the Secretary General as a member of UNEP staff; UNEP would not expect the day-to-day working relationships to alter.

The delegation of Germany pointed out that funding of the Secretariat in 1973 had been the exclusive responsibility of UNEP, a state of affairs altered in 1979 when this responsibility had passed to the Parties. They also sought information regarding the financial consequences of the replacement of the previous Secretary General.

The delegation of Switzerland expressed concern that the draft Agreement did not address the question of how to resolve any possible differences between the "policy guidance" of UNEP and that of the Conference of the Parties. The delegation of Botswana echoed this concern, whilst the delegation of Hungary considered that such divergences should be rare since many countries in the United Nations were Parties to the Convention. The delegation of Botswana, however, was uncertain why written terms of reference were necessary.

The delegation of the United Kingdom was unsure of the meaning of the term "policy guidance" in the first alternative for paragraph 2. In conjunction with the delegation of France, they further observed that the last sentence of paragraph

3 required the Executive Director to do no more than "consult" the Standing Committee in case of an increase in the Secretariat budget.

Responding to these points and a request for clarification, the delegation of Canada stated that document Doc. 8.16 was the result of the concern felt by the Standing Committee over UNEP's role in staffing the Secretariat. They recognized that, in respect of certain administrative matters, UNEP had control. The representative of UNEP explained that no extraordinary costs had been incurred following the replacement of the previous Secretary General. He added that there was no question of the Executive Director causing expenditure above that approved by the Conference of the Parties, without prior consultation.

Following a suggestion from the Chairman, and comments from the delegations of Argentina, Germany, Suriname, the United Republic of Tanzania, Tunisia, the United Kingdom and the United States of America, it was agreed that a working group, composed of the delegations of Canada, Trinidad and Tobago and New Zealand, should meet the Executive Director of UNEP later in the day to discuss the points raised in Committee and report back.

Establishment of the Budget Committee

The Chairman appointed the delegations of Australia, Canada, France, Germany, Japan, the Russian Federation and the United States of America to serve on the Budget Committee. He also asked the representative of UNEP to participate. In addition, he thanked UNEP for the action it had taken in providing a loan of USD 805,000 which had enabled this meeting of the Conference of the Parties to take place, and permitted the continued operation of the Secretariat.

2. Report of National Reports under Article VIII, Paragraph 7, of the Convention

The Secretariat summarized the salient points of document Doc. 8.17 for the Committee. The Chairman drew attention to the three recommendations on page three, and invited discussion. There were no comments and document Doc. 8.17 was approved and the recommendations agreed to be passed to the Conference of the Parties.

3. Review of Alleged Infractions and Other Problems of Enforcement of the Convention

The Secretariat introduced document Doc. 8.19. Those Parties which had not yet commented on Part 1 of this document had until April to do so. Attention was drawn to the importance of informing the Secretariat of infractions known to Parties and specific thanks for so doing were offered to Argentina, Australia, Belgium, Canada, Denmark, France, the Netherlands, Paraguay, South Africa and Switzerland.

The Chairman then invited comments on document Doc. 8.19, especially on the draft resolutions in Annexes 1, 2 and 3.

A number of delegations regretted that they had been unable to produce annual reports on time. Among these, the delegations of Indonesia, Mozambique, Panama and Papua New Guinea would submit their annual reports during this meeting and the delegations of Algeria and Zambia stated that their annual reports were now in preparation. The delegation of Brazil mentioned that they had now developed a computer programme to aid compilation of annual reports, which would be made available to other Parties. The delegations of Liberia and Mozambique cited war as a major impediment to their prompt production of annual reports. The former delegation further stated that, currently, no CITES documents from Liberia should be accepted as valid, in the aftermath of the war. The delegation of Kenya felt that greater publicity on infractions would serve to encourage implementation of the Convention by those Parties whose responsibilities were not well discharged at present. The delegation of India drew attention to those Parties which consistently failed to produce annual reports and those which had failed to put in place the necessary domestic legislation to implement the Convention, points which the Secretariat echoed.

Several delegations took exception to recommendation a) of Annex 1 of Part 1, as it was incompatible with the Convention and would be impossible to implement. Others had in common a complaint that importing countries in the developed world placed unfair onus on countries of origin in respect of checking doubtful documentation.

The delegation of the United States of America congratulated the Secretariat on its production of document Doc. 8.19.

The delegation of the Netherlands referred to the need to re-word the last sentence of recommendation 1) on page 9 of document Doc. 8.19 to read particularly in the case of species that occur in the wild in the country concerned and suggested that the Plants Committee produce a better definition of "artificial propagation". They also expressed a need

to re-discuss Resolution Conf. 7.13 and concern that paragraph e) of Resolution Conf. 7.5 was difficult to implement owing to the one-month time limit it imposed, a view shared by the delegation of Japan.

The Chairman adjourned the meeting at 12h15.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Second Session: 4 March 1992: 14h10-15h55

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt J.-P. Le Duc
Rapporteurs:	J.R. Caldwell M.D. Jenkins

XIII Interpretation and Implementation of the Convention

3. Review of Alleged Infractions and Other Problems of Enforcement of the Convention

Responding to a point raised in the first session, relating to Resolution Conf. 7.5, the Secretariat stressed that, in applying a one-month time limit for Parties to respond to communications from the Secretariat, it did not necessarily expect a full response in that time but only sought, at minimum, an acknowledgement of receipt of the communication. The Secretariat also stated that the wording of recommendation 1) on page 9 of document Doc. 8.19 was not in error and was aimed specifically at countering the use of false certificates of captive-breeding for the "laundering" of animals outside their countries of origin.

Apologies for the delay in submission of annual reports were expressed by the delegations of Brunei Darussalam, El Salvador and Bolivia. The delegation of El Salvador announced that they had brought a copy of their most recent annual report and added that a preliminary bill had been prepared to improve their national implementation of CITES. The delegation of Brunei Darussalam stated that they had submitted their reports for 1990 and 1991 and, noting that they had only recently acceded to the Convention, sought guidance from the Secretariat in methods to increase the effectiveness of CITES implementation. The delegation of Bolivia also sought technical assistance from the Secretariat, which responded that some assistance had already been given and that a representative of the United States of America would spend one month in Bolivia in the near future to provide further help and advice.

The delegation of Australia acknowledged the problems that arose from late submission of annual reports but stressed that in some cases the delay was because the country concerned was seeking clarification on documentation from other countries. They further stated that a distinction should be made between countries that failed to submit reports on time through lack of resources and those that did so through lack of will.

The Secretariat introduced the two draft resolutions annexed to Part 1 of document Doc. 8.19, concerning travelling wildlife exhibitions, explaining that the second was a redraft, by the Secretariat, of the first which had been submitted by the Animals Committee. The delegations of Belgium, France and Switzerland supported the principles behind the draft resolutions and discussed problems of documentation for animals in travelling exhibitions, particularly with reference to the identification of individual animals. The delegations of Belgium, Senegal and Switzerland discussed technical and practical problems of microchip marking of animals, but the Chairman explained that these were due to be considered in detail by Committee I. The delegation of the United States of America felt strongly that there should be international standardization of controls of travelling wildlife exhibitions and did not feel that documentation would pose extensive problems.

The delegation of the United Kingdom strongly endorsed the sentiment that methods should be found to reduce the number of infractions, but felt there was insufficient time to consider document Doc. 8.19 fully at this meeting. Following a question by the delegation of Chile, the Secretariat explained that the purpose of the document was to demonstrate the range of infractions that had occurred rather than their severity. It also urged all Parties to keep it fully informed of any infractions discovered. The observer from the Japan General Merchandise Importers Association averred that the Japanese ivory industry had taken no part in any infraction.

Noting that an increasing number of countries had export quotas for CITES-listed species and that the present system was open to abuse through falsification of documents, the delegation of the United States of America felt that importing countries should keep the Secretariat's Quota Control Officer informed of all quota shipments received.

On the basis of their own experience, the delegation of Austria urged all Parties to withdraw any reservations on Appendix-I species. The delegation of the Netherlands requested Parties to direct the Plants Committee to submit to the next meeting of the Conference of the Parties a draft resolution better defining the term "artificially propagated".

The delegation of the United States of America, supported by the Secretariat and the observer from WWF, highlighted the lack of adequate national legislation for implementing CITES in many countries as a major problem. The observer from WWF noted that the IUCN Environmental Law Centre had developed useful model legislation but felt that more work was needed within individual countries to align this with their national legislative frameworks and suggested that the Secretariat be directed to seek funding for this.

After some discussion, the Committee noted document Doc. 8.19 and its recommendations. The Chairman thanked the Secretariat for its excellent work and suggested that a working group be established to consider in particular: the draft resolutions on national reports and travelling wildlife exhibitions; the role of the Secretariat in helping improve national legislation; and the possibility of highlighting any other recommendations made in the document for further discussion or inclusion in a draft resolution.

The delegation of the United States of America agreed to convene the working group and the delegations of Australia, Belgium, France, Germany, the Netherlands, Papua New Guinea, Senegal and Switzerland volunteered to serve. Observers from the Animal Legal Defense Fund, International Primate Protection League, IUCN and TRAFFIC, who asked to attend the group were requested by the Chairman first to consult its convener.

The Chairman requested the working group to provide a progress report the next day and reminded delegates that, as the working programme was flexible, they should be prepared well in advance for agenda items.

The Chairman adjourned the meeting at 15h55.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Third Session: 5 March 1992: 09h10-11h55

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt J.-P. Le Duc
Rapporteurs:	J. Gray K.B. Stansell

The meeting commenced at 09h10. The Secretariat announced the production of four new documents, including one relevant to this session, document Doc. 8.18 Annex (Rev.). The Chairman and the Secretariat thanked the support staff for their work towards this meeting of the Conference of the Parties.

The delegation of Japan informed the Committee of a discovery by Japanese Customs of smuggled raw ivory on 28 February; further details would be available soon.

The delegation of Poland wished to point out, with reference to document Doc. 8.19, page 5, point b), that they had now designated a Scientific Authority, namely the National Council for Nature Conservation. In response, the Secretariat explained that lack of written confirmation of this had prevented it from announcing this fact to the Parties.

XIII Interpretation and Implementation of the Convention

4. Implementation of the Convention in the European Economic Community

The delegation of Paraguay, having resolved any differences of opinion with the delegation of Uruguay, explained that their original documents (Doc. 8.18 and Doc. 8.18.1) were now replaced by document Doc. 8.18 (Rev.) Annex.

The delegation of Uruguay took care to convey the spirit in which the draft resolution had been prepared, one of constructive criticism with the aim of solving a shared problem. The intention was not to threaten or blacklist any one country, but rather to appeal to the EEC for awareness of the problems and for their assistance.

On behalf of the countries of the EEC, the delegation of Portugal complimented the delegations of Paraguay and Uruguay on the spirit of their intent and asked the Committee to note that proposals to oblige all EEC Member States to follow the Convention more closely were being developed. They urged those Parties that had not yet accepted the amendment to Article XXI, adopted in Gaborone, to do so. This was supported by a number of the delegations present.

The delegation of Germany and the observer from the Commission of European Communities, while supporting the delegation of Portugal, raised significant concerns over the language in several parts of the text of the draft resolution. Several delegations and observers, while expressing overall support in principle, highlighted specific issues requiring clarification and proposed a variety of amendments.

In the light of extended discussions it was agreed that a working group should be formed to revise parts of the text of the draft resolution and to report back to the Committee at a subsequent session.

On a point of order, the delegations of Brazil and the United States of America protested about a document being distributed, unannounced, in mid-session, without the author being identified and only in English.

5. Illegal Trade of Singapore

The delegation of Paraguay introduced document Doc. 8.53, noting that Singapore had withdrawn its reservation on *Caiman crocodilus crocodilus*, and had undertaken to dispose of its stock of accumulated skins in accordance with the provisions of the Convention. Consequently, Paraguay withdrew the draft resolution annexed to the document and thanked Singapore for its co-operation.

The Secretariat confirmed the withdrawal of Singapore's reservation, effective 15 February 1992, and the Chairman commended the actions of Singapore and Paraguay.

11. Trade in Birds

a) Significantly Traded Species

On behalf of the countries of the EEC, the delegation of Portugal recommended that document Doc. 8.35 be considered by the Committee before the documents relating to this Agenda item are discussed since it deals with trade in all animals, including birds. The delegation of the United States of America (proponent of document Doc. 8.23) responded that they wished to consider the documents in the current order of the Agenda; the delegations of Honduras (proponent of document Doc. 8.23.1) and Uruguay (proponent of document Doc. 8.23.2) agreed, and the Chairman ruled that the current order of agenda would be followed.

Introducing document Doc. 8.23, the delegation of the United States of America said that they had met with the delegation of Honduras and that a single document could now serve both their interests. They urged Parties to adopt the attached draft resolution out of respect for Article IV of the Convention and as an endorsement that unsustainable utilization is in contravention of CITES. The delegation of Honduras stressed that their country's concern to protect its native wildlife was a major reason for preparing the draft resolution in document Doc. 8.23.1. They confirmed that they were satisfied to withdraw this draft resolution however, and to join with the delegation of the United States of America in proposing a single draft resolution, conditional upon one amendment. The delegation of the United States of America accepted these terms, so that the final paragraph of document Doc. 8.23 Annex would be amended to read:

URGES

- a) all Parties and organizations to comply fully with and to support stricter domestic measures which any nations have adopted for the protection of their wild birds in accordance with Article XIV, paragraph 1, of the Convention and Resolution Conf. 1.6;
- b) the Parties and all organizations interested in the utilization and conservation of wildlife to provide the necessary financial support for studies pertaining to bird species subject to significant levels of international trade.

The Chairman confirmed that document Doc. 8.23.1 was duly withdrawn by Honduras and noted that the delegation of Uruguay wished to postpone discussion of document Doc. 8.23.2 until the afternoon session.

Before closing the morning session, the Chairman announced that the Credentials Committee had accepted the credentials of one additional country.

The meeting was adjourned at 11h55.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
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Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Fourth Session: 5 March 1992: 14h10-17h00

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt
UNEP:	A.T. Brough
Rapporteurs:	T.P. Inskipp K. Sundseth

The Chairman opened the session and made several administrative announcements. He drew attention to document Com.II 8.1 and asked for any comments. The delegation of Brazil asked whether the minutes of each session were to be adopted separately or whether they would be adopted altogether in the form of a final report. The Secretariat confirmed that the former was the accepted practice. There being no further comments, document Com.II 8.1 was adopted.

XIII Interpretation and Implementation of the Convention

11. Trade in Birds

a) Significantly Traded Species

The delegation of Uruguay, having been asked to introduce document Doc. 8.23.2, queried whether this should be considered at the same time as document Doc. 8.35. Following a suggestion from the delegation of the United Kingdom, the Chairman proposed that document Doc. 8.23, as amended, be discussed first, then document Doc. 8.23.2 together with Doc 8.35, and finally document Doc. 8.24.

Following a request from the delegation of the United Kingdom, the observer from IUCN described the work IUCN and TRAFFIC had undertaken to assess the wild bird trade in five principal exporting countries. A report entitled *Perceptions, Conservation & Management of Wild Birds in Trade* summarizing the results of this work had been distributed to all delegates. Whilst sharing concern over the sustainability of the trade in certain bird species and the difficulties experienced by developing countries in implementing controls, it was felt that the measures proposed in document Doc. 8.23, as amended, were punitive and took no account of progress made in exporting countries. Moreover, the draft resolution not only set a dangerous precedent for allowing a *de facto* Appendix-I listing, without conforming to the Berne Criteria, but also lacked an unambiguous process for de-listing species. It was also pointed out that the Animals Committee had discussed this issue at length and had agreed that a resolution should be drafted to cover all animals rather than birds alone. Document Doc. 8.35 was the result of the discussions. Parties were therefore urged to reject the draft resolutions in documents Doc. 8.23, as amended, and Doc. 8.23.2 and to consider carefully the draft resolution in document Doc. 8.35.

The delegations of Brazil, Gambia, Uruguay and Zambia expressed their support for the draft resolution in document Doc. 8.23. The delegation of Uruguay suggested strengthening the amended draft resolution by changing the paragraph in the operative part of the text under "URGES" into paragraph d) under "DIRECTS". The delegation of Senegal also wished to strengthen the wording of this paragraph.

The delegation of Guyana stressed the value of wildlife trade to their country and agreed with the concerns expressed by the observer from IUCN. They pointed out that, whilst captive-breeding programmes were a possible alternative to the export of wild-caught birds, most developing countries did not have the necessary resources for such programmes. Moreover they did not believe that legal trade in their country would stimulate illegal trade in neighbouring countries since it was easy for importing countries to check the validity of all of Guyana's export documents, thereby ensuring that only legally exported birds were allowed for import.

The delegations of Argentina, Australia, Botswana, Cameroon, Indonesia, Mexico, Switzerland, Trinidad and Tobago, Tunisia, the United Kingdom and Zimbabwe supported the spirit of the draft resolution but agreed with the comments made by the observer from IUCN. The delegations of Trinidad and Tobago and the United Republic of Tanzania proposed that a working group be set up to find a solution to this problem.

The delegation of Argentina believed that all exporting countries should be allowed to manage their own wildlife and that global management plans should be developed to improve the implementation of Article IV of the Convention.

The delegation of Cameroon believed that the establishment of an export quota system was preferable to a total suspension of trade. The delegation of Suriname concurred and outlined their own export quota system, which was subject to annual review. They recommended the withdrawal of documents Doc. 8.23 and Doc. 8.23.2.

The delegation of Mexico stressed the need to strengthen Scientific Authorities and to provide funds for the necessary studies. They suggested that one way of raising funds for this purpose would be to impose a tax on wildlife trade.

The delegation of the United Kingdom pointed out that, unless importing and exporting countries took immediate action to improve the situation, the public would be pushing for a complete ban on the trade in birds. They referred to a recent statement from their Environment Minister on this subject, which called for world-wide bans on imports whenever there are sound scientific reasons for supposing that the trade may be harmful to the survival of populations of the species concerned.

The Chairman asked the proponents of the draft resolution whether they wished to comment on the points raised. The delegation of the United States of America felt that the concerns that had been expressed were not substantive but agreed with the idea of setting up a working group. The delegation of Honduras concurred.

After further discussion, the delegation of the United States of America requested the closure of the debate and a vote on the draft resolution. Before proceeding to a vote the Chairman asked the Chairman of the Credentials Committee whether they had accepted any further credentials from Parties. The latter Chairman named three further countries of which the delegations' credentials had been accepted.

The draft resolution was put to the vote and, not achieving a two-thirds majority, the draft resolution was rejected.

The Chairman then asked the delegation of the United Kingdom whether they felt that further discussion of documents Doc. 8.23.2 and Doc. 8.35 was necessary or whether these could be referred immediately to a working group. The delegation of the United Kingdom pointed out that they wished to propose substantial amendments to document Doc. 8.35 and therefore favoured further discussion of the topic.

1. Terms of Reference for the Administration of the Secretariat by UNEP

The Chairman asked the delegation of Canada to speak on behalf of the working group established to amend document Doc. 8.16 Annex, following their discussion with the Executive Director of UNEP. The delegation of Canada explained that the group had discussed the two versions of paragraph 2 of the Annex and agreed on the following amendments to the second version: in line three, the word "follows" should be replaced by implements, and the phrase and other functions as may be entrusted to the Secretariat by the Parties should be added at the end of the paragraph.

After clarification of points raised by several delegations, document Doc. 8.16 was accepted as amended.

The meeting was adjourned at 17h00.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Fifth Session: 6 March 1992: 09h15-12h05

Chairman:	M. Jones (United States of America)
Secretariat:	I. Topkov J. Berney J. Flores
UNEP:	A.T. Brough
Rapporteurs:	T.A. Mulliken K.B. Stansell

The Chairman opened the meeting at 09h15, expressing concern at the delay which had been caused by the lack of a quorum. Following administrative announcements by the Secretariat, including a statement that the Credentials Committee had accepted the credentials of the delegations of an additional three Parties, the Chairman requested that discussion of the Secretariat's budget be deferred to later in the session, and this was agreed.

XIII Interpretation and Implementation of the Convention

11. Trade in Birds
and
12. Trade in Wild-Caught Animal Specimens

The Chairman reminded delegates of the agreement to combine discussion of documents Doc. 8.23.2, Doc. 8.35 and Doc. 8.35.1.

The delegation of Uruguay stated that the main issue was inadequate implementation of Article IV of the Convention, and that suspension of trade in response to non-compliance with Article IV was not inappropriate, a position supported by the delegation of Brazil. The delegation of the United States of America concurred, stating that Article IV was central to the Convention. Noting their appreciation for the Committee's decision that discussion of "significant trade" issues not be limited to birds, they agreed that a process to address non-compliance with Article IV would be more beneficial than a moratorium on trade in a specific list of species.

Noting that the EEC had fully supported the spirit and intent of document Doc. 8.23 Annex, the delegation of the United Kingdom, on behalf of the countries of the EEC, stated that they had reluctantly voted against this draft resolution because they felt that the mechanism suggested in document Doc. 8.35 would be more effective in achieving the desired results. This sentiment was echoed by the delegation of Trinidad and Tobago.

The delegation of the United Kingdom proposed that the draft resolution in document Doc. 8.35.1 be considered as an alternative to that in document Doc. 8.35, explaining that sections a) to g) of document Doc. 8.35.1 replaced sections a) and b) of the Annex to document Doc. 8.35, and were intended to define better the implementation process. Specific attention was drawn to section h), which called upon importing Parties to provide financial support to those Parties in need of assistance in implementing Article IV. At the suggestion of the delegation of Trinidad and Tobago, it was agreed to change the first word of the last paragraph from "URGES" to IMPLORES.

In the ensuing discussion of the draft resolution in document Doc. 8.35.1 the main points of concern to emerge were the lack of enforcement provisions, the need to cover plants and to address re-exports, and the need to consider measures other than a suspension of trade.

Specific changes to the text of the draft resolution were suggested by the delegations of Australia, Suriname and Switzerland. In view of the extended discussion and number of amendments proposed, the Chairman suggested that the delegation of the United Kingdom convene a working group to revise document Doc. 8.35.1, and this was agreed. The Chairman directed the working group to incorporate relevant text from documents Doc. 8.23.2 and Doc. 8.35, suggestions made in Committee II, and other suggestions submitted that same day either in writing or during the open session of the working group. The Secretariat cautioned the working group to bear in mind that to make changes in national legislation to implement remedial measures might not be possible within a rigid schedule stipulated in a draft resolution.

XI Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

The Chairman of the Budget Committee was invited to present the report of that Committee. He began by acknowledging the hard work of the delegations of Australia, Canada, France, Germany, the Russian Federation, Switzerland and the United States of America who served on the Committee, and expressed his appreciation for the clear and candid advice provided by the Secretary General and the help of the Secretariat and UNEP.

1. Financial Report for 1989-1990-1991

The Chairman of the Budget Committee drew attention to document Doc. 8.7, which reported that the final consolidated expenditure for 1989 and 1990 and estimated expenditure for 1991 remained within budget. He noted that the Secretariat had had to constrain expenditure to levels within actual funds received, rather than those estimated from the total contributions owed by the Parties. Late and/or non-payment of contributions by some Parties had resulted in a shortfall, and it had been necessary for UNEP to advance funds in order for the Secretariat to continue to function. The Parties were again encouraged to pay their contributions and, if possible, to do so early in the fiscal year. The delegation of Hungary noted that differences in fiscal years precluded Hungary from paying its dues within the prescribed time.

Owing to the dissolution of the German Democratic Republic and the Union of Soviet Socialist Republics, the Budget Committee considered that their dues accumulated in arrears prior to 1991 should be written off the accounts of the CITES Trust Fund. The Chairman of the Budget Committee noted that all other cases of arrears, including those of Parties that had never paid their dues, were still outstanding, and urged prompt payment.

2. Anticipated Expenditure for 1992

In introducing document Doc. 8.8, the Chairman of the Budget Committee noted that anticipated expenditure for 1992 had been approved by the Standing Committee in January 1992, and explained that the particularly high expenses incurred in conjunction with supporting the meeting of the Conference of the Parties had been offset somewhat by the generous support of Japan, and that therefore projected expenditure remained reasonable.

Following clarification of several points, the Chairman recommended that documents Doc. 8.7 and Doc. 8.8 be accepted and forwarded to the Conference of the Parties. This was agreed.

3. Budget for 1993-1995 and Medium-term Plan for 1993-1998

Noting that document Doc. 8.9 contained the budget estimates for the CITES Trust Fund for 1993 to 1995, the Chairman of the Budget Committee explained that the Committee recognized the need to provide a fair and reasonable budget to the Secretariat to enable it to carry out the work directed by the Parties. However, owing to prevailing economic conditions, it was not possible to agree to the initial budget increases requested. Working in close co-operation, the Budget Committee and the Secretariat had identified budget savings that would not seriously impair the ability of the Secretariat to carry out its responsibilities, and the final budget increase from 1992 to 1993 had been limited to 19%.

The revised budget for the CITES Trust Fund contained in document Com. 8.5, which superseded document Doc. 8.9 Annex 1, had been approved by the Budget Committee. However, Committee members had noted their prerogative as representatives of Parties to make further comment when the revised budget was debated in the plenary session. The Chairman of the Budget Committee summarized the major changes contained in the revised budget.

The delegation of Germany recommended that CITES not shift from the Medium-term Plan contained in document Doc. 8.9 Annex 2. They suggested further that the Budget Committee be provided with copies of audits, to which the representative of UNEP agreed. They also asked that more detail on the Secretariat's costs relating to possible change of premises because of increase of staff be provided to the next meeting of the Conference of the Parties.

The Secretary General noted that an increase in the number of staff without a coincident increase in office space posed difficulties for the Secretariat, and it was hoped that it would be possible to relocate at some time in the future, although it was understood that the present budget precluded such a move.

In response to questions from the delegation of Germany, the representative of UNEP clarified that the scale of contributions was quoted in Swiss francs, however contributions could be paid in any convertible currency equivalent to the sum in Swiss francs at the rate on the day of actual payment.

The Chairman recommended that the Committee adopt documents Doc. 8.9 as modified by Com. 8.5 and forward these documents to the Conference of the Parties with the proviso that any decisions of the Conference of the Parties with budgetary implications might create the need for amendments. This was agreed.

4. External Funding

The Chairman of the Budget Committee introduced documents Doc. 8.10 and Doc. 8.11, noting that the revised Annex 2 of document Doc. 8.11 was presented as document Com. 8.6. This draft resolution would, if approved by the Parties, provide the Secretariat with its new budget and financial mandate. The Secretary General suggested the following amendments to document Com. 8.6, which were accepted:

1. replace paragraph 1, page 3, with: INVITES UNEP to put forward to the Global Environment Facility requests by the Secretariat for additional funding of appropriate CITES projects aiming at protecting biodiversity;
2. insert before "APPROVES" on page 3 a new paragraph: DIRECTS the Secretariat to prepare for approval by the Standing Committee and to follow strict procedures for an austere, accountable and effective use of the funds provided for the delegate project; and.

Upon the Chairman's recommendation, the Committee accepted documents Doc. 8.10 and Doc. 8.11 as modified and approved document Com. 8.6 as amended to be forwarded to the Conference of the Parties.

The Chairman adjourned the meeting at 12h05.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Sixth Session: 6 March 1992: 14h20-17h15

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt
Rapporteurs:	J.G. Barzdo J.R. Caldwell

The Chairman invited comments on the summary reports of the Committee, in documents Com.II 8.2 and Com.II 8.3. There being none, these documents were adopted.

XIII Interpretation and Implementation of the Convention

3. Review of Alleged Infractions and Other Problems of Enforcement of the Convention

The Chairman then invited the Chairman of the working group on alleged infractions to report on their progress. The latter Chairman reported that draft resolutions had been prepared on annual reports, travelling wildlife exhibitions and national laws for implementation of CITES. He added that the working group had identified the recommendations in Section 11 B) of document Doc. 8.19 as warranting further discussion, and in this connection they should consider document Doc. 8.34. The working group urged all Parties to review in depth all 54 recommendations in Part 1 of document Doc. 8.19. Finally they urged that ways be found to help the Secretariat and the CITES Committees to improve enforcement of the Convention.

4. Implementation of the Convention in the European Economic Community

Asked to report, the Chairman of the working group on implementation of the Convention in the EEC said that a draft resolution had been prepared for consideration the following week.

11. Trade in Birds

b) Trade in Species Subject to High Mortality Rates

Document Doc. 8.24.2* was introduced by the delegations of Israel and the United States of America who noted that this revision contained the original preamble from document Doc. 8.24 and that ", or 2 percent in shipment" in paragraph d) should be deleted.

Lengthy discussion ensued in which the main points to emerge were the following.

While the responsibility for any suspension of trade would lie with the exporting countries, the importing countries could take stricter measures, and therefore a reference to Article XIV, paragraph 1, was required in the preamble. This was agreed.

* This document was distributed at the meeting as document Doc. 8.24 - Doc. 8.24.1 Annex (Rev.). (Note from the Secretariat).

As measures other than a suspension of trade could be taken in response to high mortalities of birds, paragraph b) of the draft resolution should be amended to refer to the taking of measures, which could include suspension of trade where appropriate. This was agreed.

Some delegations felt that fixed percentage figures should not be used as a basis for deciding when to introduce restrictions on the trade as there was considerable variation in mortality, depending on the species concerned and the number of specimens in a shipment. Although other delegations were unhappy to delete these figures, they could agree to do so.

Maintaining records on mortality rates would be very arduous.

Problems arising while birds are in quarantine have to be separated from those occurring during transport, and it was agreed that all reference to quarantine be removed from the draft resolution.

In view of the continued failure of Parties to implement Resolutions adopted on the shipment of live animals, the Parties should be urged to implement Resolution Conf. 7.13. This was agreed.

There was considerable concern about the decisions of some reputable airlines not to carry wild birds. Examples were cited of how this had led to increased problems with animal welfare as airlines with less experience in this field, many of which were not members of IATA, were now involved. It was suggested that a paragraph be added to the draft resolution to recommend that IATA and the Transport Working Group consider this.

Better care of birds during transport and quarantine and attention to the specific needs of each species would significantly reduce mortality. More research was needed to establish the causes of high mortality.

One intention of the draft resolution was to address the problems of high mortalities of birds on specific trade routes.

There was concern that if the draft resolution were to recommend the suspension of trade as one measure to deal with high mortalities, then it should also specify the conditions under which the trade might be re-opened.

There were a number of interventions by delegations questioning specific points in the wording of the draft resolution. After considerable debate, taking into account the points made, the delegation of the United States of America, assisted by the delegation of New Zealand proposed a revised version of paragraph b) of the draft resolution.

The delegation of Switzerland, supported by the delegations of Brazil and the United States of America, recommended that a vote be taken on the revised draft resolution. The delegation of the Netherlands however thought that this might be premature.

Asked to report on the progress of the Credentials Committee, the Secretariat announced that the credentials of the delegation of one further Party had been accepted.

The Chairman stated that, as the session was running late, a new version of the revised text of the draft resolution would be drawn up by the Secretariat and presented for consideration at the beginning of the next session, together with any text proposed relating to the removal of the suspension of trade. The delegation of Brazil requested that no further matters of substance be debated.

After some announcements by the Secretariat, the meeting was adjourned at 17h15.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Seventh Session: 9 March 1992: 10h40-12h00

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt G. van Vliet
Rapporteurs:	C.H. Folland

The Chairman opened the session and announced that the credentials of the delegation of one additional Party had been accepted. He drew attention to a number of documents produced by the working groups and explained that, under the Rules of Procedure, these could not be discussed for a further 24 hours.

In view of the heavy agenda it was agreed, following the proposal of the Chairman, that presentations by proponents should be limited to five minutes and interventions to three minutes.

XIII Interpretation and Implementation of the Convention

14. Trade in Crocodilian Products

Following the introduction of document Doc. 8.26 by the delegation of Australia, the delegation of the United States of America added that illegal trade continued to be a major problem and that the intention of the draft resolution was to extend the tagging requirements to all crocodilian species.

The delegation of Australia proposed an amendment to delete paragraph h) from the draft resolution in document Doc. 8.26 Annex and to insert the following:

URGES all Parties to restrict trade in crocodilian skins and flanks, whether raw or processed, to specimens that are identified in accordance with the requirements of this Resolution;.

The delegations of Cameroon, Germany, Guyana, Italy, Liberia, Portugal on behalf of the countries of the EEC, Zambia and Zimbabwe expressed support for the draft resolution as amended.

In response to the concern expressed by the delegation of Tunisia over the period provided for implementing the system, the Secretariat confirmed that the proposed system of tagging was an extension to that already in use and saw no major difficulty in meeting the time scales.

The delegations of Bolivia, Israel and the United Republic of Tanzania drew attention to difficulties associated with recording the year of production on the tag, particularly in estimating annual tag requirements. The delegation of Australia sympathized, saying that these might be overcome if the year of production were omitted, and the Parties were instead to inform the Secretariat of the last tag number issued at the end of the year.

The delegations of the United States of America and Zimbabwe thought the indication of the year of production on the tag was important and should be retained. Having highlighted the need to be consistent with Resolution Conf. 5.16 on Trade in Ratched Specimens, the delegation of Suriname proposed the addition of the following paragraph at the end of the draft resolution under "DIRECTS":

c) the Animals Committee and the Secretariat to evaluate the uniform system on marking in Resolution Conf. 5.16 and to report their recommendations to the next meeting of the Conference of Parties.

In congratulating the proponents on their draft resolution, the delegation of Brazil wanted the Animals Committee to consider, in its review, the tagging system successfully adopted by Brazil.

The delegation of Switzerland wished to know whether the draft resolution applied only to whole hides and flanks, outlining the problem of relating small manufactured items to the original skins. In response, a number of delegations suggested forms of wording which sought to make clear that the intention was to restrict the identification requirements to the original export and subsequent re-export of skins and certain parts where significant processing or manufacturing had not taken place.

In view of the many suggestions, the Chairman invited the delegations to consider the wording of the draft resolution during the lunch break with the aim of reaching a decision in the eighth session.

The meeting was adjourned at 12h00.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Eighth Session: 9 March 1992: 14h15-17h15

Chairman: M. Jones (United States of America)

Secretariat: J. Berney
J.D. Gavitt
G. van Vliet

Rapporteurs: T.P. Inskipp
R.A. Luxmoore

The Chairman invited comments on documents Com.II 8.4, Com.II 8.5 and Com.II 8.6. The Secretariat noted an amendment to the last line of the third paragraph on the second page of document Com.II 8.5, to replace the words "section h)" with the last paragraph. After this change, all three documents were adopted.

XIII Interpretation and Implementation of the Convention

14. Trade in Crocodilian Products

The delegation of Australia reported on the recommendations of a small working group convened to discuss document Doc. 8.26 Annex and, with input from the delegation of Suriname, the following amendments were agreed:

addition of a final paragraph to the preamble, NOTING also that Parties still have to meet the requirements of Conference Resolutions pertaining to captive breeding and ranching; under "RECOMMENDS": in paragraph a), replacement of ", including flanks, bellies, tails and other parts" with and parts thereof (bellies, flanks, tails, throats, legs and feet), and appending from the countries of origin, and that all countries subsequently re-exporting such items do so with the original tags intact unless substantial processing and manufacturing has taken place; appending to paragraph c) unless substantial processing and manufacturing has taken place; altering the last two lines of paragraph e) to read for importers and exporters of crocodilian skins and parts thereof, as defined in paragraph a) above; deletion from paragraph g) of the words "raw or processed" and insertion of and parts thereof, as defined in paragraph a) above before "only if they contain"; replacement of paragraph h) with URGES all Parties to restrict trade in crocodilian skins and parts thereof, as defined in paragraph a) above to specimens that are identified in accordance with the requirements of this Resolution; under "DIRECTS": in paragraph b), replacement of the words "parts and derivatives" with manufactured products; and addition of a final paragraph c) the Animals Committee and the Secretariat to evaluate the marking system as recommended in Resolution Conf. 5.16 and to report their findings and recommendations to the next meeting of the Conference of the Parties.

The delegation of Bolivia was asked to confer with the Secretariat to ensure that all of the products of *Caiman crocodilus* likely to be traded in Latin America were covered by the wording of the first paragraph a). Thus amended, the draft resolution in document Doc. 8.26 Annex was agreed.

15. Trade in Plant Specimens

- a) Trade in Flasked Seedlings
and
- b) Artificial Propagation and Trade in Hybrids

The Secretariat outlined the contents of document Doc. 8.27, concentrating on the operative section of the draft resolution.

In response to comments from the delegation of the United States of America and the Secretariat, some changes to the preamble to the draft resolution were agreed: in the fourth paragraph, addition of unique before "aspects of the plant trade", and addition of , such as those related to flasked orchid seedlings after "plant biology"; in the penultimate paragraph, addition of considered to be after "orchids is not", and deletion of ", and may even be detrimental to it" at the end.

The delegation of the United Kingdom suggested some changes to paragraph a) under "DETERMINES" in the operative part of the draft resolution. They wished to add in paragraph a) ii) the word cultivated before "parental stock", and to replace the wording in paragraph a) ii) B) with managed in such a way that long-term maintenance of this cultivated parental stock is guaranteed; and. The delegation of Israel was worried that this rewording would eliminate the possibility of taking seeds for cultivation from wild plants, and the delegations of India and Peru wished to restrict the definition of "artificially propagated", as far as orchids were concerned, to plants grown from seeds or in flasks, because of the difficulties in controlling trade in cuttings taken from wild plants. However, their fears were allayed by the Secretariat and, with support from the delegations of Thailand and Australia, paragraph a) of the draft resolution was agreed as amended.

There were no comments on paragraph b) of the draft resolution, and this was also agreed.

In regard to paragraph c), the Secretariat explained that there were some problems with the current wording. The Committee agreed in principle that trade in flasked specimens of orchids should be treated as a special case. The Chairman deferred final consideration of paragraph c) until the following day.

- d) Plant Nomenclature

The Chairman obtained agreement from delegates to discuss documents Com. 8.18 and Com. 8.19, in spite of the fact that they had been distributed less than 24 hours previously.

The Chairman of the Nomenclature Committee introduced document Com. 8.18, noting that discussion of document Doc. 8.29, from which it had been derived, had been referred by Committee I to the Nomenclature Committee.

The delegation of Australia suggested: deleting "(for plants)" in paragraph a); interchanging paragraphs a) and b); amending the last line of paragraph c) to read orchid taxa for inclusion in the standard reference; and replacement of "(for plants)" in paragraph f) with the words of the Nomenclature Committee. These amendments were accepted and it was agreed to recommend the draft resolution as amended for adoption.

The Chairman of the Nomenclature Committee continued with an introduction to document Com. 8.19, which had been derived from documents Doc. 8.15 and Doc. 8.29 Annex 1. He suggested, with further intervention by the delegation of Germany, that "the nomenclatorial reference for the", in the third line of paragraph c) of the operative part, should be replaced by a guideline for referencing species names to, to conform with the wording of paragraph b); also in the last paragraph to change "RECOMMENDS" to ENCOURAGES and to delete both occurrences of the word "not".

He pointed out that the publisher of the Cactaceae list, mentioned in paragraph b), the Royal Botanic Gardens, Kew, United Kingdom, had agreed to provide copies at a reduced rate for CITES Parties. The Secretariat added that Japan had pledged external funds to cover the cost of purchasing and distributing copies of the list.

The delegation of the United Kingdom stated that the current title of the list was "CITES Cactaceae Checklist" and that it may be too close to publication for that title to be changed. The Secretariat indicated that the name of the list would be corrected, if necessary, in the final draft of the resolution.

Responding to a concern raised by the delegation of Zimbabwe about the nomenclature for parrots, the Chairman of the Nomenclature Committee said that it was preferable to use broad references covering major taxa rather than a variety of references covering different families.

Following suggestions from the delegation of Trinidad and Tobago and the Secretariat, it was agreed that the penultimate paragraph be changed to read DIRECTS the Secretariat to seek funding in order to provide those Parties which are unable to purchase their own copies, with copies of the publications mentioned above; and. It was then agreed to recommend the draft resolution as amended for adoption.

17. Trade with States not Party to the Convention

The delegation of the Netherlands introduced document Doc. 8.54, noting that, as 113 countries were now Parties, trade with other countries represented a small percentage of the total trade and that this draft resolution might provide an incentive to persuade them to join the Convention. They relayed the view of the IUCN Environmental Law Centre that the draft resolution was acceptable under international law, noting also the provisions of Article 20 of the General Agreement on Tariffs and Trade.

The delegation of Germany supported the proposal, but suggested that the measures outlined in paragraph e) required reference, in the preamble, to Article XIV of the Convention, particularly in relation to trade carried out in accordance with Article VII, paragraph 2. The observer from the Commission of the European Communities suggested that the eighth paragraph of the preamble of Resolution Conf. 5.16 contained appropriate text. The delegation of the United States of America noted that paragraph e), as drafted, might prevent the import of a specimen of a very rare species for captive-breeding programmes which might enhance its survival, and suggested appending the words except if it is in the best interests of the specimen or of the species. Following concerns expressed by the delegations of Zimbabwe and Suriname about the possible impact of paragraph e), the Chairman asked interested Parties to consult informally with the delegation of the Netherlands, with a view to presenting a consensus to the next session of the Committee.

The Chairman adjourned the meeting at 17h15.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

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Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Ninth Session: 10 March 1992: 09h15-12h10

Chairman: M. Jones (United States of America)
Secretariat: J.D. Gavitt
J.-P. Le Duc
Rapporteurs: M.D. Jenkins
T.A. Mulliken

The Chairman opened the session by making administrative announcements and reviewing the agenda.

XIII Interpretation and Implementation of the Convention

16. Significant Trade in Appendix-II Species

a) Animals

The delegation of the United Kingdom introduced document Com. 8.10, produced by a working group they had chaired comprising themselves, the delegations of Australia, Guyana, Japan and the United States of America, the Chairman of the Animals Committee and observers from the Environmental Investigation Agency, the Pet Industry Joint Advisory Council, TRAFFIC and WWF; written comments from other interested parties had also been considered. They noted that a broad spectrum of opinion had been represented in the working group and that, despite their pleas, substantive discussion on the issues involved had taken place. Nevertheless consensus, without unanimity on one point, had been reached. They stressed the importance of the draft resolution and the following key issues: the need for a flexible and quick response to problems identified by the Animals Committee in its significant-trade reviews; the need to improve consultation with range states; and the importance of understanding that the processes detailed in the draft resolution were to be continual. They further noted that the draft resolution established two levels of priority for action regarding trade which had been identified by the Animals Committee as possibly not complying with Article IV of the Convention.

The delegation of Denmark then proposed a number of amendments intended to clarify and in some cases strengthen the draft resolution. There followed a wide-ranging discussion of these and other amendments proposed by, amongst others, the delegations of Australia, Guyana, Malta, Suriname, Switzerland, the United Kingdom, the United States of America and Zimbabwe. Apart from clarity and consistency, the major issues discussed were the need to consult fully with range States before recommendations were finalized, the need to ensure that remedial actions would be taken as rapidly as possible, the need to ensure that procedures detailed in the draft resolution conformed with established practice and rules under the Convention, and the need to secure funding for actions recommended.

The following changes were agreed to the operative section of the draft resolution:

in the first paragraph a), line 3, insert and making recommendations after "identifying problems";

in the first paragraph b), line 2, insert and those recommended after "on the measures adopted";

in the line beginning "DIRECTS", replace "in" with after;

in the paragraph beginning "to make specific", line 2, move "(Doc. 8.30)" to immediately after "Trade Species";

in paragraph i., line 1, insert , for example, after "include";

in paragraph ii., line 1, insert , for example, after "include" and insert or after "field studies"; line 2, insert or other relevant factors after "populations" and replace "trade, and" with or;

in the paragraph beginning "for those species", line 2, insert through the Secretariat after "States"; line 3, replace "as soon as possible" by within 90 days and insert the adoption of this Resolution by after "after"; line 4, insert and each Conference of the Parties thereafter after "Parties";

in the paragraph beginning "for the remaining", line 2, insert , through the Secretariat, after "shall";

in paragraph c), line 3, insert implemented or after "has";

in paragraph e), line 2, replace "the Secretariat shall so" with it shall direct the Secretariat to;

in paragraph f), line 1, replace "c) and d)" with e); line 3, insert , via the Secretariat, before "compliance"; lines 3-4, move "to the satisfaction of the Standing Committee" to after "demonstrate";

in the paragraph beginning "IMPLORES", line 2, insert and/or technical assistance before "to assist".

The Chairman, echoed by the delegations of Denmark and Suriname, congratulated the working group on its efforts. He noted that the draft resolution was agreed, thanked the Committee for the co-operative spirit in which it had reviewed the document and requested the Secretariat's assistance with final editing.

Referring to a number of the issues raised, the Chairman asked the members of the Animals Committee present (the Regional Representative for Oceania and, for part of the discussion, the Chairman), to take careful note of the text of the draft resolution and of the ideas expressed during the meeting as guidance for implementation if it were adopted. He further encouraged the Animals Committee, the Parties and all others concerned to keep the Secretariat fully informed of all projects relating to implementation of Article IV or the draft resolution. In response to an observation of the delegation of Australia that implementation of some secondary recommended actions (e.g. field studies) might require external funding, the Chairman requested the Secretariat to help secure this and suggested that Parties seeking such support should be considered to be taking steps to implement the recommendations.

The Chairman acknowledged that national legislation might be required to implement some of the recommendations that could ensue from the draft resolution if adopted and suggested that this matter be taken up during the discussion of document Com. 8.13.

After some administrative announcements the meeting was adjourned at 12h10.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Tenth Session: 10 March 1992: 14h10-16h55

Chairman: M. Jones (United States of America)

Secretariat: I. Topkov
J. Berney
J.D. Gavitt
J.-P. Le Duc
G. van Vliet

Rapporteurs: J.R. Caldwell
T.P. Inskipp

The Chairman opened the session and announced that the credentials of the delegation of one additional Party had been accepted. He informed the session that there were four documents that had not so far been discussed, but one of these, document Doc. 8.32 had been withdrawn by the proponent.

XIII Interpretation and Implementation of the Convention

22. Standardization of CITES Permits and Certificates

Following the introduction of document Doc. 8.34 by the Secretariat, the delegation of Switzerland stated that the format and content of permits were defined in Article VI of the Convention and that extra requirements in subsequent Resolutions were not binding. The Secretariat agreed but felt that any encouragement to standardization in this field was worthwhile.

After a suggestion from the delegation of the United States of America that paragraph e) under "AGREES" was an unnecessary reiteration of a requirement that would have been dealt with prior to export, the Secretariat agreed to withdraw this paragraph, on the understanding that this important, and often forgotten, requirement, needed re-emphasis.

The delegation of Switzerland drew attention to paragraph a) and their concern that, if this draft resolution were adopted, many permits currently in use by Parties would prove unacceptable. The Chairman suggested the inclusion of and relevant resolutions after "Convention" in the first line, to overcome this problem, and this was agreed.

In response to requests for comments on paragraphs a) to q) under "RECOMMENDS", the delegation of Germany made a general point that reference was made to several Resolutions adopted at previous meetings of the Conference of the Parties, and that newly adopted Resolutions should be added. The Secretariat explained that this could be done before the relevant plenary session.

Following a request by the delegation of Canada to amend the wording of paragraph n), it was agreed that this was unnecessary since this clause was only a recommendation.

The delegation of the United States of America commented on paragraph f), pointing out that, when a security stamp is oversigned or embossed, the number it bears often becomes illegible; they suggested that when the stamp was

redesigned the number should be enlarged. The Secretariat indicated that this was unlikely to happen because of the expense involved in redesigning the stamp.

The delegation of the United States of America then drew attention to paragraphs h) and i), asking whether it was possible to include more than one purpose or source code on a permit, and if code "I" could be moved from paragraph i) to paragraph h). The Secretariat replied that it was acceptable to use several codes on the permit, if necessary, and that code "I" was relevant to paragraph i) because it usually related to re-export of specimens confiscated at the time of import. If a purpose code were required for confiscated specimens, the code "N" was available for cases involving specimens re-exported to the countries of origin for re-introduction. The Chairman suggested that the heading in box 5a of the standard permit in Annex 2 should be changed from "Objective of the operation" to Purpose of the operation and there was no objection to this.

The delegation of the United States of America also commented on paragraph k), suggesting that an additional sentence be added at the end: The importing country which receives listed species for which there is a quota should immediately submit a copy of the permit to the Secretariat (Quota Control Officer) to ensure quotas are not exceeded. After further discussion, they admitted that they had misunderstood the intention of paragraph k), and now wished to withdraw their amendment. However, the Secretariat indicated that it would be useful to include a new paragraph dealing with quotas set at meetings of the Conference of the Parties, and that the amendment suggested above could be used, incorporating the words set by the Conference of the Parties after "for which there is a quota".

The Secretariat, in response to a suggestion from the observer from the Defenders of Wildlife that copies of permits should be returned to the countries of origin, replied that this would be too late to allow adequate trade control. The observer from the Commission of the European Communities recommended that box 11a of the standard permit in Annex 2 be completed at the time of export, rather than at the time of issue; however, the Secretariat, supported by the delegation of Chile, explained that this presented difficulties where there were several points of export.

The delegation of the Netherlands raised a point of order, suggesting that a working group should be set up to resolve the remaining parts of the draft resolution. The Chairman agreed that discussion should continue in a smaller forum and that this could best be achieved by establishing an informal group at the end of the session.

This was agreed and the Chairman moved on to the next topic for discussion.

23. Transport of Live Specimens

The Chairman of the Transport Working Group introduced document Doc. 8.36, reporting that the group had identified a number of problems that were still causing concern. These included the lack of scientific data on mortality and its causes, and the poor implementation of CITES Resolutions on transport of live specimens. He stressed that better training of all personnel involved with the transport of live specimens was a priority. A closer relationship with the Commission of the European Communities and the IATA Live Animals Board was recommended. The poor representation of exporting countries at the Group's meetings was regretted; however, it was realized that shortage of funds and the lack of interpretation facilities were in part to blame.

Noting that the document referred to mortality during quarantine, and that this currently fell outside the Group's Terms of Reference, the delegation of Guyana suggested that some revision to the latter may be necessary in order that the Group could fulfil its assigned tasks. The Secretariat concurred, stating that quarantine was an integral part of international trade. It joined with the delegations of Switzerland and the United States of America in praising the efforts of the Chairman of the Working Group.

Summing up, the Chairman of Committee II urged that Parties be encouraged to implement CITES regulations fully, and noted the appeal for external funding to allow interpretation at meetings of the Group. There being no further discussion, the document was agreed for recommendation to the Conference of the Parties.

27. Exemption for Blood and Tissue Samples for DNA Studies from CITES Permit Requirements

Document Doc. 8.41 was introduced by the delegation of Denmark who indicated some minor revisions to the wording of the document and the draft resolution. The Secretariat explained that the document was essentially the same as one rejected at the seventh meeting of the Conference of the Parties, on the basis that it was contrary to the text of the Convention. A belief that the current draft resolution should be similarly rejected was expressed by the delegations of Canada, New Zealand, Switzerland and the United States of America. The delegation of Botswana stated that, although they had no major problem with the document, it would be difficult to change their national

legislation for implementing CITES. The delegation of Zimbabwe advised rejection and remarked on the importance of retaining permits to allow monitoring of this trade.

Explaining that because DNA analysis is the safest, most accurate method of sexing birds, avian species blood samples were currently mailed from Canada in direct contravention of CITES, the observer from the Avicultural Advancement Council of Canada expressed the opinion that technology had progressed beyond CITES. The delegation of Germany supported this view, stating that such techniques had not been developed when the Convention was established in 1973, and they believed that the draft resolution complied fully with the spirit of the Convention. On behalf of the countries of the EEC, the delegation of Portugal supported the proposal as only small scientific specimens would be involved.

As there was not time to finalize the discussion, the Chairman adjourned the meeting at 16h55.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Eleventh Session: 10 March 1992: 17h55-19h05

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt J.-P. Le Duc
Rapporteurs:	J.G. Barzdo K. Sundseth

The Chairman opened the session and expressed his frustration at the delay in reconvening, which was due to the late adjournment of the previous session of Committee I.

XIII Interpretation and Implementation of the Convention

27. Exemption for Blood and Tissue Samples for DNA Studies from CITES Permit Requirements

In view of the discussion on document Doc. 8.41 during the tenth session, the delegation of Denmark stated that it wished to proceed to a vote on the draft resolution once the observer from the American Association of Zoological Parks and Aquariums had made a statement. The latter gave an example of how the samples under discussion could be used as an aid to enforcement.

The delegation of the United States of America proposed a closure of debate and, on a vote, this was agreed. A vote was then taken on the approval of the draft resolution in document Doc. 8.41 and it was rejected.

32. "Stricter Domestic Measures"

In introducing document Doc. 8.52, the delegation of Botswana, on behalf of the proponents of the draft resolution, acknowledged the right of Parties to take stricter domestic measures. However they were concerned that this right was being used by some consumer States to close off markets to range States even for species that are not endangered, thus preventing any potential conservation benefits from international trade. Having asked that the meeting take note of these concerns, the proponents withdrew the document.

22. Standardization of CITES Permits and Certificates

The Secretariat was asked to report on the results of informal consultations on document Doc. 8.34. They reported a consensus that the draft resolution was premature and suggested that the Standing Committee be requested to decide upon how to progress the matter further. The delegation of the Netherlands supported this suggestion and pointed out that the lack of progress to date was not the fault of the Secretariat but rather that of the Parties, which had not submitted their comments in good time. They also offered to participate in any working group.

These points were noted and the Chairman requested that further informal consultations take place so that this subject could be brought to a conclusion at the next session.

3. Review of Alleged Infractions and Other Problems of Enforcement of the Convention

The Chairman of the working group on alleged infractions introduced the draft resolution in document Com. 8.13 which had been drafted in recognition of the lack of adequate implementing legislation in many Parties. The adoption of such legislation was seen as the first step to full implementation. He emphasized three points in the draft resolution: that Parties lacking adequate legislation be identified by the Secretariat; the need to provide technical assistance to such Parties; and that the Secretariat should report its findings to the Standing Committee and the Conference of the Parties.

The delegation of the Netherlands raised the question of whether the Secretariat should be asked to undertake additional activities without additional funds. After some discussion of this issue, on the proposal of the Chairman, it was agreed to add the words within available resources immediately before paragraph a). The delegation of Germany stated that they would propose an increase to the Secretariat's budget to enable the necessary work to take place to implement this draft resolution when adopted and would seek funds from their national budget.

As the substance of the paragraph beginning "URGES" had appeared in other Resolutions, the value of its inclusion was questioned by the delegation of Denmark, who also questioned the meaning of "other appropriate measures" in that paragraph. The delegation of the United States of America explained that this meant measures other than those referred to in paragraph a).

There was some dispute about the use of the word "authority" in paragraph a) but the intent was considered to be clear.

The delegation of Suriname proposed the insertion of the words and/or technical after "financial", in the last line of the draft resolution, and this was agreed. There being no objections, the draft resolution was agreed as amended.

The Chairman offered special thanks to the interpreters for working late and adjourned the meeting at 19h05.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Eighth Meeting of the Conference of the Parties
Kyoto (Japan), 2 to 13 March 1992

SUMMARY REPORT OF THE COMMITTEE II MEETING

Twelfth Session: 11 March 1992: 09h15-12h25

Chairman:	M. Jones (United States of America)
Secretariat:	J. Berney J.D. Gavitt J.P. Le Duc G. van Vliet
Rapporteurs:	R.A. Luxmoore K. Sundseth

The Chairman opened the session and announced that the credentials of the delegation of one additional Party had been accepted, thus bringing the total of accredited countries to 100. The Secretariat stated that Equatorial Guinea had expressed its intention to accede to the Convention.

The Chairman drew attention to the fact that the references to document Doc. 8.23.2 had erroneously omitted from the footnote at the bottom of page 1 of document Com. 8.10.

XIII Interpretation and Implementation of the Convention

15. Trade in Plant Specimens

a) Trade in Flasked Seedlings

The Chairman reminded delegations that paragraphs a) and b) of document Doc. 8.27 Annex had been agreed during the eighth session but that a decision remained to be taken on paragraph c). The Secretariat noted that, during informal discussions, there had been a consensus in favour of exempting all flasked seedlings of orchids from the provisions of the Convention and proposed the following amendment to paragraph c):

that flasked seedlings of orchid species listed in Appendix I are interpreted as being exempted from CITES control, taking into account the provisions of Article VII, paragraph 4, and Article I, paragraph (b)(iii), and the recommendations of Resolution Conf. 6.18, and agreeing to a derogation from Resolution Conf. 5.9 for this exemption;.

Whilst expressing their support in principle for an unencumbered trade in flasked seedlings within CITES, the delegation of the United States of America believed that the revised text of paragraph c) was too broad and could seriously undermine Resolution Conf. 5.9 for animals as well as plants. They proposed instead to delete the words after "Resolution Conf. 6.18" in the revised text of paragraph c).

The delegation of Australia, in expressing their support for the amendment proposed by the Secretariat, moved for the closure of the debate and for a vote on paragraph c).

There being no objections, the debate was closed and the paragraph suggested by the Secretariat was put to a vote and agreed. Finally, the whole draft resolution in document Doc. 8.27, as amended, was agreed with only one delegation objecting.

22. Standardization of CITES Permits and Certificates

The Secretariat reported that an informal group had met to discuss document Doc. 8.34 Annex and proposed that, in addition to the amendments already agreed at the tenth session, paragraph a) under "RECOMMENDS" and Annex 2 should be deleted.

The delegation of Suriname proposed to add to paragraph k) under "RECOMMENDS" the word voluntarily before "fixed" and to extend the application of this paragraph to Appendix-I species, noting that these might be exported under quota for non-commercial purposes. The Secretariat agreed and proposed that the words in Appendix I (for non-commercial purposes) be inserted before "in Appendices II and III".

The delegation of Germany proposed that paragraph a) under "REPEALS" be deleted since the standard form in Annex 2 had been withdrawn.

The delegation of the Netherlands believed that it was inappropriate to adopt the present draft resolution without also adopting the standardized permit. In response to a request from the delegation of Suriname that a revised standard form be submitted for a postal vote, the Secretariat pointed out that this was not a usual procedure. It reminded the Committee that the draft form could be made available to Parties if they requested it, and that all of the Resolutions were to be reviewed before the next meeting of the Conference of Parties.

Following further consultation and discussion on the text, the Chairman asked whether there were any objections to adopting the draft resolution with the amendments proposed.

The delegation of Portugal, on behalf of the countries of the EEC, pointed out that, whilst not objecting to the draft resolution as amended, they would have had to abstain had it been put to a vote, for the reasons expressed by the delegation of the Netherlands. There being no further objections, the draft resolution was agreed as amended.

18. Existence of Hair, Wool and Cloth of Vicuna in the European Economic Community, Japan and Hong Kong

The delegation of Argentina introduced document Doc. 8.55 (Rev.), stressing the need for better controls on, and reporting of, trade in vicuna hair and cloth. They pointed out that the revised document had been drawn up in collaboration with all the range States. They also drew attention to the fact that the English translation of paragraph b) was inaccurate and asked that it be corrected.

Speaking on behalf of the territory of Hong Kong, the delegation of the United Kingdom objected to the wording of the third paragraph in the preamble on the grounds that the accusations made were unsubstantiated. The delegation of Argentina proposed to delete the words "and documented" and the rest of the sentence after "Hong Kong" from that paragraph.

The delegation of Japan, whilst not objecting to the draft resolution, wished it to be noted that they would have certain difficulties in implementation since the textiles imported into Japan only contained 1-2% vicuna hair and, furthermore, the export documents often gave the country of origin as "unknown".

There being no further objections, the draft resolution as amended was adopted.

3. Review of Alleged Infractions and Other Problems of Enforcement of the Convention

The delegation of the United States of America introduced document Com. 8.14 (Submission of Annual Reports), produced from a working group under their chairmanship. They reported that the group had felt that document Doc. 8.19, Part 1, Annex 1, from which it had been prepared, was too harsh, and the operative part had been moderated to allow corrective measures commensurate with the degree of lateness of submission of annual reports. There being no objections, document Com. 8.14 was adopted.

The working group discussing travelling exhibitions had also been chaired by the delegation of the United States of America, who introduced document Com. 8.15. They noted the addition of maximum before "period" in paragraph b.1). They summarized that the principal differences from document Doc. 8.19 Annex 3, were in paragraphs f), g) and h), and that the new draft resolution applied only to live animals. In response to a question from the delegation of Belgium, the Secretariat explained that the use of a different type of form from that normally used for re-export certificates was not precluded by the wording in paragraph a), but that it would consider developing a standard form

for this purpose for the next meeting of the Conference of the Parties. Further clarification was given to the delegation of Suriname that the draft resolution only applied to permits and certificates issued in accordance with Article VII. Following concerns expressed by the delegations of Botswana and Peru, the Secretariat undertook to change the wording of paragraph h) to indicate that any duplicate permits issued should bear the same number if possible and, with this assurance, document Com. 8.15 was agreed.

The delegation of the United States of America noted that the working group on alleged infractions had been asked to make recommendations; the delegation of Papua New Guinea was concerned that there was no procedure for following up on the recommendations in document Doc. 8.19. Congratulating the Secretariat for the hard work in preparing this useful document, they suggested that a permanent working group be established to address infractions. The Secretariat noted that the Standing Committee had already rejected the establishment of an enforcement committee and suggested that the Parties could be asked to respond to a request from Committee II to follow up on the recommendations in document Doc. 8.19.

4. Implementation of the Convention in the European Economic Community

Document Com. 8.16, prepared from the amalgamation of documents Doc. 8.18 and Doc. 8.18.1 was presented by the delegation of Paraguay, who noted some grammatical amendments to the Spanish text. The word "which" was deleted from the eighth paragraph of the preamble in the English text. The observer from the Commission of the European Communities had no objections to the document, noting that the European Community was always ready to respond to constructive criticism. He explained that document Com. 8.16 should, for legal reasons, refer throughout to the European Economic Community (EEC) although it was now normally referred to as the European Community. The document was then agreed without further objection.

The Secretariat noted that the ten CITES Parties member States of the EEC had now approved the Gaborone amendment.

11. Trade in Birds

b) Trade in Species Subject to High Mortality Rates

Recalling that two delegations had moved to close the debate on the subject addressed by document Com. 8.20, the Chairman asked whether any delegations wished to make any clarifying amendments. The delegation of the United Kingdom suggested that the word "temporary" in paragraph b) was tautological and should be deleted. The delegation of Switzerland objected, stating that it had been inserted deliberately, and the amendment suggested by the delegation of the United Kingdom was put to a vote. This was not carried and the original version of document Com. 8.20 was agreed without further opposition.

17. Trade with States not Party to the Convention

The delegation of the Netherlands, having chaired the working group on trade with non-Parties, presented document Com. 8.22. They noted that one member of the group had objected to the current version of the text. The delegation of Suriname suggested a number of amendments, which were agreed: in paragraph a) ii), replacement of "this" with these details; alteration to the grammar in paragraphs a) iii) and b) (under "DIRECTS") to accommodate the possibility of multiple authorities or institutions; and appending to paragraph a) (under "RECOMMENDS") the phrase or after consultation with the Secretariat. Two further proposed amendments were more contentious. It was eventually agreed that, in paragraph f), the words "approval by" should be replaced by favourable advice from, the delegation of Suriname noting that it was a non-binding recommendation. Their suggestion that the phrase "only in special cases where it benefits the conservation of the species or provides for the welfare of the individual and" be deleted from paragraph e) was put to a vote and rejected. The amended text was then agreed.

The Chairman then submitted the minutes contained in documents Com.II 8.7, Com.II 8.8, Com.II 8.9 and Com.II 8.10 for approval. The Secretariat requested a change to the final paragraph before item 15 d) in document Com.II 8.8, replacing the words "but noted that there was agreement" with . The Committee agreed. In the first paragraph under item 16 a) in document Com.II 8.9, the delegation of the United Kingdom wished it recorded that the consensus reached in the working group was not unanimous, and the observer from TRAFFIC, that WWF had also participated. The observer from the Avicultural Advancement Council of Canada wished his comment in the penultimate paragraph of document Com.II 8.10 clarified by the addition of the words because DNA analysis is the safest, most accurate method of sexing birds.

The Chairman then thanked participants in Committee II, the interpreters and rapporteurs for their contributions and co-operation and closed the meeting at 12h25.